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SERVICE DATE – JANUARY 19, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-6 (Sub-No. 427X)

BNSF RAILWAY COMPANY–ABANDONMENT  
EXEMPTION–IN BARNES COUNTY, ND

Decided: January 18, 2006

BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon and discontinue service over a 8.00-mile line of railroad between milepost 0.00, near Sanborn, and milepost 8.00, near Rogers, in Barnes County, ND. Notice of the exemption was served and published in the Federal Register on January 24, 2005 (70 FR 3434). The exemption became effective on February 23, 2005. In the January 25, 2005 notice, the Board stated that, if consummation has not been effected by BNSF’s filing of a notice of consummation by January 24, 2006, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.<sup>1</sup>

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<sup>1</sup> By decision served February 22, 2005, the proceeding was reopened at the request of the Board’s Section of Environmental Analysis (SEA) and the exemption was made subject to conditions that BNSF: (1) notify the National Geodetic Survey (NGS) at least 90 days prior to the onset of salvage activities to plan for the possible relocation of the geodetic station markers by the NGS; (2) consult with the North Dakota Parks and Recreation Department (Kathy Duttonhefner, at (701) 328-5370) regarding the vegetation of native flora in areas that may be impacted by the proposed abandonment activities; (3) consult with the U.S. Army Corps of Engineers, Omaha District (William A. May, at (701) 255-0015), prior to salvage activities, regarding the project’s potential impacts on jurisdictional waters of the United States protected under section 404 of the Clean Water Act, 33 U.S.C. 1344, and comply with any reasonable requirements thereof prior to abandonment activities; and (4) consult with the North Dakota Department of Health Environmental Health Section (L. David Glatt, at (703) 328-5150), prior to salvage activities, regarding the use of best management practices to prevent debris from entering a storm drain system or water body, and regarding the potential release of hazardous materials. The environmental conditions remain in effect.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On January 5, 2006, BNSF filed a request to extend the deadline for filing its notice of consummation until July 1, 2006. According to BNSF, the extension is necessary because winter weather conditions have hampered the ability to conduct salvage activities. BNSF has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. Accordingly, the request will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. BNSF's request for an extension of time to consummate the abandonment is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before July 1, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary